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VINCENT KHOURY TYLOR
and VINCENT SCOTT TYLOR

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

VINCENT KHOURY TYLOR and VINCENT SCOTT TYLOR, Plaintiffs, vs. MARRIOTT INTERNATIONAL, INC., a Delaware Corporation, dba COURTYARD BY MARRIOTT WAIKIKI BEACH and/or COURTYARD WAIKIKI BEACH; JOHN DOES 1-10; JANE DOES 1-10; DOE CORPORATIONS 1-10; DOE PARTNERSHIPS 1-10; and DOE ASSOCIATIONS 1-10, Defendants.	CIVIL NO. ___________________ (Copyright Infringement) COMPLAINT FOR COPYRIGHT INFRINGEMENT AND DIGITAL MILLENNIUM COPYRIGHT ACT VIOLATIONS; EXHIBITS “A”-“D”

COMPLAINT FOR COPYRIGHT INFRINGEMENT AND DIGITAL MILLENNIUM COPYRIGHT ACT VIOLATIONS

COMES NOW Plaintiffs VINCENT KHOURY TYLOR and VINCENT SCOTT TYLOR, by their attorneys, J. Stephen Street, Attorney at Law, and Dane Anderson, Attorney at Law, LLLC, and for their complaint alleges as follows:

PARTIES

1. Plaintiff VINCENT KHOURY TYLOR is a resident of the State of Hawaii.

2. Plaintiff VINCENT SCOTT TYLOR is a resident of the State of Hawaii.

3. Upon information and belief, MARRIOTT INTERNATIONAL, INC. ("Defendant") is a for profit corporation, incorporated in Delaware, and is registered to do business in the State of Hawaii with its principal place of business in Bethesda, Maryland, and is doing business as COURTYARD BY MARRIOTT WAIKIKI BEACH and/or COURTYARD WAIKIKI BEACH.

4. JOHN DOES 1-10, JANE DOES 1-10, DOE CORPORATIONS 1-10, DOE PARTNERSHIPS 1-10, and DOE ASSOCIATIONS 1-10 are named herein under fictitious names for the reason that, after investigation of the facts of this action, said Defendants' true names and

identities are presently unknown to Plaintiffs VINCENT KHOURY TYLOR and VINCENT SCOTT TYLOR (collectively referred to as "Plaintiffs"), except, upon information and belief, that they are connected in some manner with the named Defendant and/or were the agents, servants, employees, employers, representatives, co-venturers, associates, successors or assignees of the named Defendant who may be under a duty, contractually or otherwise, to pay Plaintiffs compensation for loss incurred by the actions or omissions of the named Defendant and/or were in some manner related to the named Defendant and that their "true names, identities, capacity, activities and/or responsibilities" are presently unknown to Plaintiffs or their attorneys. To ascertain the full names and identities of JOHN DOES 1-10, JANE DOES 1-10, DOE CORPORATIONS 1-10, DOE PARTNERSHIPS 1-10, and DOE ASSOCIATIONS 1-10, Plaintiffs' counsel have investigated the facts alleged herein through inter alia, interview of Plaintiffs and inspection of the records in this matter. When the true names and capacities are ascertained, through appropriate discovery, Plaintiffs shall move to amend this action to state the true names.

JURISDICTION AND VENUE

5. This is an action for preliminary and permanent injunctive relief and damages arising from Defendant's copyright infringements in violation of the

United States Copyright Act, 17 U.S.C. §§ 101 et. seq. and the Digital Millennium Copyright Act, 17 U.S.C. § 1202.

6. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. § 1331 and § 1338(a).

7. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 28 U.S.C. § 1400.

FACTUAL ALLEGATIONS

8. Defendant is doing business in the State of Hawaii as a hotel management company and operates a hotel under the business name COURTYARD BY MARRIOTT WAIKIKI BEACH and/or COURTYARD WAIKIKI BEACH.

9. Defendant operates a commercial website, at http://www.courtyardwaikiki.com/, where customers can view information on Defendant's hotel, purchase online room reservations, or click on hyperlink icons to be directly routed to Defendant's social media commercial web pages on Facebook.com and Twitter.com.

10. Defendant manages and controls a commercial web page on Facebook.com, at https://www.facebook.com/CourtyardWaikiki, to advertise and promote its hotel and to encourage users of its Facebook.com commercial web pages to "follow" Defendant on its Pinterest.com commercial web page, at

http://www.pinterest.com/cywaikiki/, by clicking on a Pinterest.com icon or "FOLLOW ME ON PINTEREST" button to be directly routed to its Pinterest.com commercial web page.

11. Defendant manages and controls a commercial web page on Pinterest.com, at http://www.pinterest.com/cywaikiki/, to advertise and promote its hotel and to encourage users of its Pinterest.com commercial web page to navigate to its commercial website, at http://www.courtyardwaikiki.com/, or click on a provided hyperlink to be directly routed to its commercial website, to purchase online room reservations.

12. Each photographic work at issue in this case is an original work entitled to copyright protection pursuant to the copyright laws of the United States, and each photographic work at issue is duly registered with the United States Copyright Office.

13. Nine (9) photographic works, image nos.: "K-42 Secret Beach"; "O-06 Hanauma Bay Wide"; "M-18 Turquoise lagoon"; "S-02 Fire and Shipwrecks"; "M-25 Kaanapali Beach"; "O-01 Waikiki-Pink boat ORIGINAL VERSION"; "O-15 Waikiki Skyview"; "O-23 Waikiki Dusk"; and, "A-20 Surfer at Twilight" at issue in this case were created by photographer Plaintiff VINCENT KHOURY TYLOR, who owns the copyrights to the works.

14. The copyrights for Plaintiff VINCENT KHOURY TYLOR's nine (9) photographic works at issue were registered with the United States Copyright Office as 1) VA 1-696-555, effective December 17, 2009, and supplemented by form VA 1-432-741, effective June 20, 2011; 2) VA 1-696-552, effective December 17, 2009, and supplemented by form VA 1-432-820, effective June 20, 2011; and, 3) VA 1-759-562, effective January 29, 2011, in the name of Plaintiff VINCENT KHOURY TYLOR, who has exclusive rights and privileges in the photographic works under the United States Copyright Act. True and correct copies of the Certificates of Registration that relate to those photographic works at issue are attached hereto as Exhibit "A."

15. Two (2) photographic works, image nos. "Chinamans Hat02" and "Hana Lagoons", at issue in this case were created by photographer Plaintiff VINCENT SCOTT TYLOR, who is the owner of the copyrights for those photographic works.

16. The copyrights for Plaintiff VINCENT SCOTT TYLOR's two (2) photographic works at issue were registered with the United States Copyright Office as 1) VA 1-761-524, effective February 8, 2011, and as 2) VA 1-801-448, effective January 11, 2012, in the name of Plaintiff VINCENT SCOTT TYLOR, who has exclusive rights and privileges in those photographic works under the United States Copyright Act. True and correct copies of the Certificates of

Registration that relate to those photographic works at issue are attached hereto as Exhibit "B."

17. None of the said photographic works was a "work for hire."

18. Plaintiffs incurred substantial time and expense in creating the photographic works at issue, and Plaintiffs license the photographic works at issue for commercial and other uses.

19. In mid-2013, Plaintiff VINCENT KHOURY TYLOR learned that Defendant was using nine (9) of his photographic works at issue, in high resolution, a total of at least thirty-six (36) times, on its Pinterest.com commercial web page, as follows:

Image **"K-42 Secret Beach"** was used at least three (3) times at:

Page URLs:
http://pinterest.com/cywaikiki/
http://www.pinterest.com/cywaikiki/hawaii/
http://www.pinterest.com/pin/490470215637818462/
Image URL:
http://media-cache-ak0.pinimg.com/736x/5d/bf/47/5dbf4708bf
79e77334213b059c42f250.jpg

Image **"O-06 Hanauma Bay Wide"** was used at least three (3) times at:

Page URLs:
http://pinterest.com/cywaikiki/
http://www.pinterest.com/cywaikiki/hawaii/
http://www.pinterest.com/pin/490470215637818458/
Image URL:
http://media-cache-ec0.pinimg.com/736x/f5/4e/b4/f54eb48e865c
3899bbf5c7f5a3b0695f.jpg

Image **"M-18 Turquoise lagoon"** was used at least two (2) times at:

Page URLs:
http://www.pinterest.com/cywaikiki/hawaii/
http://www.pinterest.com/pin/490470215637818455/
Image URL:
http://media-cache-ec0.pinimg.com/736x/47/34/7d/47347d287e4e3db2f7e2ddc1c5d11cff.jpg

Image **"S-02 Fire at Shipwrecks"** was used at least nine (9) times at:

Page URLs:
http://pinterest.com/cywaikiki/
http://www.pinterest.com/cywaikiki/hawaii/ (3 separate uses)
http://pinterest.com/cywaikiki/pins (2 separate uses)
http://www.pinterest.com/pin/490470215637818442/
http://www.pinterest.com/pin/490470215637818446/
http://www.pinterest.com/pin/490470215637818438/
Image URLs:
http://media-cache-ec0.pinimg.com/736x/30/dd/e6/30dde61e329bf673fa96002b0af8a9b2.jpg
http://media-cache-ec0.pinimg.com/736x/c5/1e/08/c51e08c5efcec2c9b0ce3ce5cb096d0c.jpg
http://media-cache-ak0.pinimg.com/736x/18/88/14/1888142d96acebe1b069fab4fcccde4b.jpg

Image **"M-25 Kaanapali Beach"** was used at least three (3) times at:

Page URLs:
http://pinterest.com/cywaikiki/
http://www.pinterest.com/cywaikiki/hawaii/
http://www.pinterest.com/pin/490470215637818441/
Image URL:
http://media-cache-ec0.pinimg.com/736x/82/01/14/8201142a187ee14bb08c845b54e581c5.jpg

Image **"O-01 Waikiki-Pink boat ORIGINAL VERSION"** was used at least eight (8) times at:

Page URLs:
http://pinterest.com/cywaikiki/waikiki-beach/ (3 separate uses)
http://pinterest.com/cywaikiki/pins (2 separate uses)
http://www.pinterest.com/pin/490470215637818437/
http://www.pinterest.com/pin/490470215637818428/
http://www.pinterest.com/pin/490470215637818422/
Image URLs:
http://media-cache-ec0.pinimg.com/736x/2d/58/eb/2d58eb3f977db
6e9dd8f3923241ac545.jpg
http://media-cache-ec0.pinimg.com/736x/fe/50/66/fe50663177cef900d
2be9af88a0f48b3.jpg
http://media-cache-ec0.pinimg.com/736x/2d/58/eb/2d58eb3f977d
b6e9dd8f3923241ac545.jpg

Image **"O-15 Waikiki Skyview"** was used at least two (2) times at:

Page URLs:
http://pinterest.com/cywaikiki/waikiki-beach/
http://www.pinterest.com/pin/490470215637818413/
Image URL:
http://media-cache-ak0.pinimg.com/736x/d2/7b/cc/d27bcc41d97c04701
b6377db419148ed.jpg

Image **"O-23 Waikiki Dusk"** was used at least three (3) times at:

Page URLs:
http://pinterest.com/cywaikiki/pins
http://pinterest.com/cywaikiki/waikiki-beach/
http://www.pinterest.com/pin/490470215637818408/
Image URL:
http://media-cache-ec0.pinimg.com/736x/08/be/d4/08bed4ffc27b
42543e12f24ae425ef09.jpg

Image **"A-20 Surfer at Twilight"** was used at least three (3) times at:

Page URLs:
http://pinterest.com/cywaikiki/
http://pinterest.com/cywaikiki/beach-activities/
http://www.pinterest.com/pin/490470215637818506/

Image URL:
http://media-cache-ec0.pinimg.com/736x/77/eb/cc/77ebcc504fcedac3cb
fada17cefcef35.jpg

Said photographic works were used by Defendant, for over one (1) year, without obtaining licenses or consent from Plaintiff VINCENT KHOURY TYLOR, thus violating his exclusive rights as the copyright owner to reproduce, adapt, display, distribute, and/or create derivative works under 17 U.S.C. §§ 100 et. seq. True and correct copies of those photographic works registered by Plaintiff VINCENT KHOURY TYLOR along with copies of screenshots of Defendant's infringing uses are attached hereto as Exhibit "C."

20. In mid-2013, Plaintiff VINCENT SCOTT TYLOR learned that Defendant used two (2) of his photographic works at issue, in high resolution, on its commercial website and Pinterest.com commercial web page a total of at least seven (7) different times, as follows:

Image **"Chinamans Hat02"** was used at least two (2) times at:

Page URLs:
http://www.courtyardwaikiki.com/ (Full Page Image in rotating Header)
http://www.courtyardwaikiki.com/Amenities/Fitness-Recreation
(Full Page Image in rotating Header)
Image URLs:
http://www.courtyardwaikiki.com/var/courtyardwaikiki/storage/images/media/
images/header-images/home-page-headers/chinaman-s-hat/25676-1-eng-US/Chinaman-s-Hat.jpg
http://www.courtyardwaikiki.com/var/courtyardwaikiki/storage/images/media/images/header-images/interior-page-headers/kualoa-view/25640-1-eng-US/Kualoa-View.jpg

Image **"Hana Lagoons"** was used at least five (5) times at:

Page URLs:
http://pinterest.com/cywaikiki/hawaii (2 separate uses)
http://pinterest.com/cywaikiki/pins
http://www.pinterest.com/pin/490470215637818439/
http://www.pinterest.com/pin/490470215637818440/
Image URLs:
http://media-cache-ak0.pinimg.com/736x/03/9f/f6/039ff66dcef777e9d072a2b6f229fe22.jpg
http://media-cache-ak0.pinimg.com/736x/11/7c/7a/117c7af77d65b11ab8094a3b04ce1792.jpg

Said photographic works were used by Defendant, some uses beginning over one year ago, without obtaining licenses or consent from Plaintiff VINCENT SCOTT TYLOR, thus violating his exclusive rights as the copyright owner to reproduce, adapt, display, distribute, and/or create derivative works under 17 U.S.C. §§ 100 et. seq. True and correct copies of those photographic works registered by Plaintiff VINCENT SCOTT TYLOR along with copies of screenshots of Defendant's infringing uses are attached hereto as Exhibit "D."

21. By letter of October 24, 2013, Plaintiffs gave notice to Defendant of the copyright infringements and Digital Millennium Copyright Act violations for the photographic works at issue used on Defendant's commercial website and Pinterest.com commercial web page, as described in paragraphs 19 and 20, and attempted to resolve the claims by requesting that Defendant pay a retroactive licensing fee for the uses of the photographic works at issue and that it cease and desist immediately.

22. Plaintiffs' counsel exchanged communications with Defendant's counsel regarding Plaintiffs' letter, described in paragraph 20, in an attempt to settle the claims.

23. Despite the cease and desist notice received by Defendant, described in paragraph 20, Defendant continues to use three (3) of Plaintiff VINCENT KHOURY TYLOR's photographic works at issue and one (1) of Plaintiff VINCENT SCOTT TYLOR's photographic works at issue, a total of nineteen (19) times, as follows:

Image **"S-02 Fire at Shipwrecks"** is still being used at least seven (7) times at:

Page URLs:
http://pinterest.com/cywaikiki/
http://www.pinterest.com/cywaikiki/hawaii/ (2 separate uses)
http://pinterest.com/cywaikiki/pins (2 separate uses)
http://www.pinterest.com/pin/490470215637818446/
http://www.pinterest.com/pin/490470215637818438/
Image URLs:
http://media-cache-ec0.pinimg.com/736x/c5/1e/08/c51e08c5efcec2c9b0ce3ce5cb096d0c.jpg
http://media-cache-ak0.pinimg.com/736x/18/88/14/1888142d96acebe1b069fab4fcccde4b.jpg

Image **"O-01 Waikiki-Pink boat ORIGINAL VERSION"** is still being used at least six (6) times at:

Page URLs:
http://pinterest.com/cywaikiki/waikiki-beach/ (2 separate uses)
http://pinterest.com/cywaikiki/pins (2 separate uses)
http://www.pinterest.com/pin/490470215637818428/
http://www.pinterest.com/pin/490470215637818422/
Image URLs:

http://media-cache-ec0.pinimg.com/736x/2d/58/eb/2d58eb3f977db6e9dd8f3923241ac545.jpg
http://media-cache-ec0.pinimg.com/736x/fe/50/66/fe50663177cef900d2be9af88a0f48b3.jpg

Image **"O-23 Waikiki Dusk"** is still being used at least three (3) times at:

Page URLs:
http://pinterest.com/cywaikiki/pins
http://pinterest.com/cywaikiki/waikiki-beach/
http://www.pinterest.com/pin/490470215637818408/
Image URL:
http://media-cache-ec0.pinimg.com/736x/08/be/d4/08bed4ffc27b42543e12f24ae425ef09.jpg

Image **"Hana Lagoons"** is still being used at least three (3) times at:

Page URLs:
http://pinterest.com/cywaikiki/hawaii
http://pinterest.com/cywaikiki/pins
http://www.pinterest.com/pin/490470215637818440/
Image URLs:
http://media-cache-ak0.pinimg.com/736x/11/7c/7a/117c7af77d65b11ab8094a3b04ce1792.jpg

Defendant continues to use these photographic works in the same manner as described in paragraphs 19 and 20, without obtaining licenses or consent from Plaintiffs and in disregard of the notice of Plaintiffs' copyrights and cease and desist demand; thus Defendant's uses constitute willful infringement by violating Plaintiffs' exclusive rights as the copyright owners to reproduce, adapt, display, distribute, and/or create derivative works under 17 U.S.C. §§ 100 et. seq. True and correct copies of these photographic works along with copies of screenshot of Defendant's continuing infringing uses are shown in Exhibits "C" and "D."

24. Eight (8) of Plaintiff VINCENT KHOURY TYLOR's copyrighted photographic works at issue, excluding "O-01 Waikiki-Pink boat ORIGINAL VERSION", where they are legitimately available, bear his copyright management information in the form of a "Vincent K. Tylor" signature at the bottom corner of each photographic work.

25. Upon information and belief, Defendant intentionally removed or altered Plaintiff VINCENT KHOURY TYLOR's copyright management information from seven (7) of eight (8) photographic works at issue for Defendant's uses of those photographic works without his authority or the authority of the law, or Defendant distributed those photographic works knowing that his copyright management information had been removed or altered without his authority or the law. Defendant displayed copies of those photographic works without copyright management information, knowing that Defendant did not own the photographic works, and knowing that a simple internet image search would locate those photographic works with Plaintiffs' copyright management information clearly associated with those photographic works. Defendant's use of one (1) of Plaintiff VINCENT KHOURY TYLOR's photographic works, **"O-15 Waikiki Skyview"**, still contained the said copyright management information, demonstrating a disregard for Plaintiff VINCENT KHOURY TYLOR's notice of copyright. True and correct copies of Plaintiff VINCENT KHOURY TYLOR's

photographic works containing his copyright management information along with copies of screenshots of Defendant's infringing uses with the copyright management information cropped, and its use of "O-15 Waikiki Skyview" with the copyright information intact, are shown in Exhibits "C" and "D."

26. Defendant's uses of Plaintiffs' photographic works at issue on its Pinterest.com commercial web page, absent any copyright management information attributable to Plaintiffs, have contributed to widespread distribution of those photographic works absent copyright management information because Pinterest.com users can easily distribute Defendant's uses of those photographic works among other Pinterest.com users by clicking on the "Pin it" button or "Like" button associated with those uses as they appear on Defendant's Pinterest.com commercial web page, or users can distribute those photographic works among the millions of users of social media websites Facebook.com or Twitter.com by clicking on the "share" button associated with Defendant's uses of those photographic works. Each "Pin it" or "Like" or "share" click by a user causes Defendant's uses of those photographic works to be distributed to other users or promotes Defendant's Pinterest.com commercial web page or its business as the origin and owner of those photographic works. Furthermore, users can automatically promote Defendant's Pinterest.com commercial web page or its business among other users by clicking the "Follow" button associated with that

page, effectively advertising Defendant's business alongside its uses of those photographic work at issue. Defendant's Pinterest.com commercial web page has been visited by numerous users, leading to potentially many more users viewing and/or continually sharing the photographic works at issue that were initially posted by Defendant absent any copyright management information attributable to Plaintiffs.

27. Plaintiffs and Defendant were unable to resolve this matter, thus necessitating legal action.

FIRST CAUSE OF ACTION:
COPYRIGHT INFRINGEMENT

28. Plaintiffs restate and reallege each of the allegations contained in paragraphs 1-27 as if fully stated herein.

29. Plaintiffs have all rights, title, and interest in the copyrights to their respective photographic works as holders of the copyrights, the use of which has not been licensed to Defendant.

30. Defendant has misappropriated Plaintiffs' copyrighted photographic works with knowledge that the photographic works at issue did not belong to Defendant and continues to use Plaintiffs' photographic works despite having received notice of copyrights and a request to cease and desist from Plaintiffs; Defendant thereby willfully engaged in, and continues to willfully engage in, unauthorized use, copying, distribution, and/or display of Plaintiffs'

copyrighted photographic works by using nine (9) of Plaintiff VINCENT KHOURY TYLOR's photographic works a total of at least thirty-six (36) separate times and by using two (2) of Plaintiff VINCENT SCOTT TYLOR's photographic works a total of at least seven (7) separate times on its commercial website or Pinterest.com commercial web page. Defendant's acts constitute willful copyright infringement under the United States Copyright Act, 17 U.S.C. §§ 101 et. seq.

31. Defendant has shown that it intends to continue, unless restrained, to use Plaintiffs' copyrighted photographic works, willfully infringing, and causing irreparable damage to Plaintiffs for which they have no adequate remedy of law.

32. Defendant's unlawful use of copies of Plaintiffs' original photographic works has diminished the value of the original photographic works by distributing and encouraging redistribution of the photographic works without identifying the photographic works as being the exclusive property of Plaintiffs.

33. Defendant's unlawful acts have been and are interfering with and undermining Plaintiffs' ability to market Plaintiffs' own original photographic works, thereby impairing the value and prejudicing the sale or license by Plaintiffs of their own photographic works.

34. Plaintiffs are entitled to a preliminary and permanent injunction restraining Defendant from engaging in further acts of copyright infringement and

causing irreparable damage to Plaintiffs for which they have no adequate remedy of law.

35. Defendant, by its unauthorized appropriation and use of Plaintiffs' original photographic works, has been and is engaging in acts of unfair competition, unlawful appropriation, unjust enrichment, wrongful deception of the purchasing public, and unlawful trading on Plaintiffs' goodwill and the public acceptance of Plaintiffs' original photographic works.

36. Because Defendant used Plaintiffs' copyrighted photographic works without license, infringing the exclusive rights of Plaintiffs as the copyright owners, Plaintiffs are entitled to have the infringing publications and any improperly acquired likenesses or images (however stored or recorded) impounded while this action is pending.

37. As a direct and proximate result of Defendant's wrongful acts, Plaintiffs have suffered and continue to suffer lost profits and damages.

38. Plaintiffs are entitled to recover from Defendant the damages they have sustained as a result of these wrongful acts. Plaintiffs are presently unable to ascertain the full extent of the monetary damages they have suffered by reason of Defendant's acts of copyright infringement.

39. Plaintiffs are further entitled to recover from Defendant any gains, profits, or advantages Defendant obtained as a result of its wrongful acts.

Plaintiffs are presently unable to ascertain the full extent of the gains, profits, and advantages Defendant has realized by its acts of copyright infringement.

40. Plaintiffs are entitled to elect to recover from Defendant statutory damages for each of its willful violations of Plaintiffs' copyrights.

41. Plaintiffs are further entitled to costs and reasonable attorneys' fees.

SECOND CAUSE OF ACTION:
DIGITAL MILLENNIUM COPYRIGHT ACT VIOLATIONS

42. Plaintiffs restate and reallege each of the allegations contained in paragraphs 1-41 as if fully stated herein.

43. Defendant has intentionally removed copyright management information from association with seven (7) of Plaintiff VINCENT KHOURY TYLOR's photographic works for its said uses, or distributed those photographic works at issue knowing that Plaintiff VINCENT KHOURY TYLOR's copyright management information had been removed or altered, without the authority of Plaintiff VINCENT KHOURY TYLOR or the law, knowing, or having reasonable grounds to know, that the removal or distribution would induce, enable, facilitate, or conceal infringement of copyright.

44. Defendant's acts constitute violations under the Digital Millennium Copyright Act, 17 U.S.C. § 1202.

45. Plaintiff VINCENT KHOURY TYLOR is entitled to a preliminary and permanent injunction to prevent Defendant from engaging in further violations of 17 U.S.C. § 1202.

46. Plaintiff VINCENT KHOURY TYLOR is entitled to recover from Defendant the actual damages suffered by him and any profits Defendant has obtained as a result of its wrongful acts that are not taken into account in computing the actual damages. Plaintiff VINCENT KHOURY TYLOR is currently unable to ascertain the full extent of the profits Defendant has realized by its violations of 17 U.S.C. § 1202.

47. Plaintiff VINCENT KHOURY TYLOR is entitled to elect to recover from Defendant statutory damages for each of its violations of 17 U.S.C. § 1202.

48. Plaintiff VINCENT KHOURY TYLOR is further entitled to costs and reasonable attorneys' fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff VINCENT KHOURY TYLOR and Plaintiff VINCENT SCOTT TYLOR pray:

A. That this Court enter an injunction preliminarily and permanently enjoining and restraining Defendant and its directors, officers, agents, servants, employees, attorneys, and all persons in active concert or participation with Defendant from infringing Plaintiffs' copyrighted photographic works and from further violating 17 U.S.C. § 1202;

B. That the Court order any original infringing photographs, prints, separations, publications, copies, products, or materials bearing the images, digital data in any form and/or likenesses impounded and/or destroyed or disposed of in other reasonable fashion;

C. That Defendant be required to pay such damages as Plaintiffs have sustained and any profits Defendant has gained in consequence of Defendant's unlawful and willful acts or, in the alternative, to pay statutory damages pursuant to 17 U.S.C. § 504(c) and 17 U.S.C. § 1203(c);

D. That Defendant be required to pay costs, including reasonable attorneys' fees, to Plaintiffs pursuant to 17 U.S.C. § 505 and 17 U.S.C. § 1203(b); and,

E. That Plaintiffs be granted such other and further relief as the Court may deem just and proper.

DATED: Honolulu, Hawaii, February 7, 2014.

/s/ J. Stephen Street

J. STEPHEN STREET
DANE ANDERSON
Attorneys for Plaintiffs
VINCENT KHOURY TYLOR
and VINCENT SCOTT TYLOR